

AMINI^{LLC}

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MEMBER NY & NJ BARS

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By ECF and Email

Honorable Alan S. Trust
U.S. Bankruptcy Court for the Eastern District of New York
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza
Central Islip, NY 11722

Re: In re Absolut Facilities Management, LLC 19-bk-76260-ast

Dear Judge Trust:

We represent the Plan Administrator Ronald Winters of Gibbins Advisors, LLC herein and write to request an adjournment of the status conference scheduled for September 10, 2024, to March 2025.

The reason for the requested adjournment is: Under Section 6 of the Asset Purchase Agreement [Dkt. 432 Exhibit C], the buyer RCA Healthcare Management LLC ("RCA") agreed to close only after receipt of (1) approval by the New York State Department of Health ("DOH") of the certificate of need ("CON") applications seeking DOH approval of the subject transaction¹ and (2) HUD approval. (See also APA §§ 12.4 and 13.4, providing said approval are conditions to closing.)

Based on discussions with RCA, we had expected the CON applications to be considered at one of the Public Health and Health Planning Council meetings [scheduled for this year](#) such that we would be in a position to report on transaction status by now, and provide an estimate as to when we anticipated DOH approval being received and an anticipated timeline for closing. However, said applications have not been considered to date and we have not received any indication that the transaction will be on the November 2024 agenda; and further, [it has been reported](#) that the Director for Long-Term Care Licensure, Planning and Finance in the DOH Office of Aging and Long-Term Care is retiring this month which may result in further delay. We therefore request an adjournment of the status conference to March 2025.

We are current on post-confirmation reporting and the United States Trustee does not oppose the requested adjournment.

We thank the Court for its consideration of this requested adjournment,

/s/ Jeffrey Chubak
cc: counsel of record

¹ Status of RCA's CON applications can be tracked [here](#). Type Absolut into "Facility Name" field, RCA into "Operator Name" field and click search.